

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DEBORAH GORMLEY, Executrix of : Case No. 1:09-cv-00549
the Estate of Wanda Merkle, :
 : Bowman, M.J.
Plaintiff, :
 : **AGREED JUDGMENT ENTRY**
-vs- :
 :
ROBERT SYMINGTON, :
 :
Defendant. :
 :

The parties hereto, Deborah Gormley, Executrix of the Estate of Wanda Merkle, Deceased, plaintiff herein, and Robert Symington, defendant herein, have entered into an agreement for the resolution of all matters in controversy in the above captioned matter. In accordance with the parties' agreement, the Court enters judgment as follows:

1. Judgment is entered in favor of plaintiff and against defendant in the amount of \$216,000.

2. Plaintiff will take no action in aid of execution on the judgment herein granted if defendant complies with all of the following conditions:

(A) Defendant shall pay to plaintiff the sum of forty thousand dollars (\$40,000), payable in forty consecutive installments of one thousand dollars each, commencing on the fifteenth day of January, 2012, and on the fifteenth day of each succeeding month thereafter until all forty installments have been paid. If any installment due under this provision is more than fifteen days in arrears, plaintiff shall be entitled to proceed with any actions in aid of execution on the entire judgment of \$216,000, less any amounts actually paid by defendant to plaintiff prior to default of this provision. To trigger this default provision, counsel for plaintiff must file an affidavit of default in this proceeding and serve a copy upon counsel for defendant;

(B) Defendant shall provide to plaintiff a copy of his United States Passport;

(C) Defendant shall execute and deliver to plaintiff an affidavit, setting forth all of defendant's assets and liabilities;

(D) Defendant shall provide to plaintiff, through plaintiff's counsel, copies of his bank statements for the period from May 1, 2007 to May 1, 2008; and

(E) Defendant shall be responsible for all court costs associated with this proceeding, including the costs of service. Defendant has already paid the costs of service.

3. If defendant complies with the provisions of paragraph 2 of this Agreed Judgment Entry, plaintiff will file an entry of satisfaction upon receipt of the fortieth installment payment.

s/Stephanie K. Bowman
Stephanie K. Bowman,
United States Magistrate Judge

/s/ John Woliver (by HB Plotnick with telephone authorization)
John Woliver (0001188),
Attorney for Plaintiff

/s/ Harry B. Plotnick
Harry B. Plotnick (0018529),
Attorney for Defendant